

C. INCAPACITY REDETERMINATION**WAC 388-448-0160 Review of your incapacity.**

- (1) In order to review your incapacity, we must have sufficient written medical information based on an examination within the last sixty days. We may also require information about your progress with required treatment or agency referrals according to WAC 388-448-0130.
- (2) We cannot extend GAU eligibility beyond the current eligibility end date if we do not receive current medical evidence that we decide is enough to show that you continue to be incapacitated.

WORKER RESPONSIBILITIES

Incapacity Review Process

1. The Incapacity Social Worker:
 - a. Mails the client a request for a current medical report 45-60 days prior to the review date.
 - b. Sends the FSS the DSHS 14-118(X) by the 18th of the review month denying GA-U for no current medical if the client does not respond.
2. The Financial Services Specialist (FSS) sends the client notice that GA-U is terminated for lack of current medical evidence.
3. If the FSS receives a DSHS 14-118(X) with a decision after a no current medical denial is issued, the FSS:
 - a. Extends GA-U benefits if approved and notifies the client that benefits are extended; and
 - b. Issues a supplemental notice of termination with details from the DSHS 14-118(X) of why the benefits are denied.
4. When an incapacitated client becomes employed, the FSS determines if the client remains financially eligible.

- a. If still financially eligible, the FSS refers to the social worker to determine if the client is gainfully employed.
- b. If no longer financially eligible, the FSS terminates assistance and informs the SW of the termination.

ACES PROCEDURES

Incapacity Reviews

Forty-five days prior to the incapacity end date, ACES will generate alert #213 - GA Client Needs PEP Review.

- 1. Approvals
 - a. Update approval date, eligibility date, and end date on the (DEM2).
 - b. Suppress the notice and issue letter C01C.
 - c. If an Eligibility Review is due at the same time [see Eligibility Review and Recertification].
- 2. Denials
 - a. No Current Medical Evidence
 - (i) If the client fails to respond to the request for medical information, send a termination letter for no current medical evidence.
 - (ii) When an incapacity case is not updated ACES will terminate the warrant and medical identification card using reason code 290.
 - b. New Evidence
 - (i) If the client turns in additional information and is again denied by the ISW, cancel the benefits and terminate using the appropriate status code. Suppress the notice and send letter C03C.

- (ii) If the client provides current medical evidence and is capable of gainful employment, terminate assistance using the appropriate status reason. You can issue notice 0006 with added freeform text or suppress the notice and send a letter.

WAC 388-448-0170 Termination requirement – How we determine you are no longer incapacitated.

- (1) Before we can decide you are no longer incapacitated, we must demonstrate that at least one of the following conditions exists:
 - (a) The incapacitating condition has clearly improved since incapacity was established. **"Clear improvement"** means that since incapacity was established:
 - (i) The physical or mental impairment that incapacity was based on has decreased in severity to the point where you are capable of gainful employment;
 - (ii) The effect of that impairment on work-related activities has been significantly decreased through treatment or rehabilitation, and you are now capable of gainful employment; or
 - (iii) We decide you are gainfully employed.
 - (b) There was a previous error in the eligibility decision. **"Previous error"** means incapacity was previously established based on:
 - (i) Faulty or insufficient information; or
 - (ii) We made a procedural error in one of our previous determinations, based on a rule in effect at the time.
- (2) If we decide you are clearly improved but are receiving services through the division of vocational rehabilitation (DVR), we have the option of approving continued GAU through an exception to rule (ETR).
- (3) We do not apply the clear improvement or previous error criteria when:
 - (a) You have a break in assistance of over thirty days and do not meet the

criteria for retroactive reinstatement as required under WAC 388-448-0190;
or

- (b) You do not meet the categorical eligibility requirements for the general assistance unemployable program.

WAC 388-448-0180 How we redetermine your eligibility if it is evident you meet federal disability criteria for SSI.

We may extend your incapacity period up to thirty-six months from the last date of incapacity determination without additional medical documentation when it is evident that you meet federal disability criteria for Supplemental Security Income (SSI) eligibility.

- (1) We determine your eligibility at the end of the thirty-six-month period, using current medical evidence.
- (2) If you applied for SSI, were denied, and the denial was upheld by an administrative appeal before the end of the thirty-six-month incapacity period, we adjust the incapacity period to be sixty days after the SSI denial date.

WAC 388-448-0190 Reinstating your eligibility after termination due to lack of medical evidence.

If your assistance was terminated due to lack or insufficiency of medical evidence, we reinstate your eligibility the day following the termination date if the following conditions are met:

- (1) The termination was not due to your failure to cooperate in gathering the evidence;
- (2) You provided the medical evidence within thirty days after the termination, establishing that you have been incapacitated since the date of termination; and
- (3) The medical evidence substantiates incapacity.